UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte MICHAEL JOHN BRANSON, GEORGE FRANCIS
DESTEFANO, GREGORY RICHARD HINTERMEISTER and
ANDREW JAMES STREIT

_____

Appeal 2009-005284
Application 10/687,291[1]
Technology Center 2100

_____

Before LANCE LEONARD BARRY, JOHN A. JEFFERY, and
CAROLYN D. THOMAS, *Administrative Patent Judges.*

THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL[2]

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-6 and 8-20, which are all the claims remaining in the application, as claim 7 is cancelled. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

The present invention relates to moving data between multiple views of a user interface. (Spec., 1, ll. 8-9.)

Claim 1 is illustrative:

      1.   A method comprising:

        selecting a subset of a first plurality of data objects based on a respective importance of each of the first plurality of respective data objects, wherein the first plurality of data objects are displayed in a main view;

        copying the subset to a peek view; and

        replacing the first plurality of data objects in the main view with a second plurality of data objects, wherein the second plurality of data objects are different from the first plurality of data objects.

Appellants appeal the following rejection:

1. Claims 1-6 and 8-20 under 35 U.S.C. § 102(e) as anticipated by Gegner (WO 03/104966 A2, December 18, 2003).

FACTUAL FINDINGS

1. Gegner discloses:

> The invention relates to a method of optimizing the presentation on a display screen of objects of a user interface which can be freely positioned and scaled by means of control elements. This is realized by means of a predetermined calculation rule in such a manner that the objects can be automatically varied between a still readable minimum size and a selected maximum size in dependence on the object contents . . . possibly while eliminating less important details of the objects contents and while changing the display mode of the object contents and/or the object as well as while avoiding mutual overlapping of the objects.

(Abstract.)

2.　　In Gegner, "less important objects 12 can be eliminated . . . The additional display resource thus obtained is then used for optimized display of the remaining objects 12." (Page 8, ll. 8-10.)

3.　　Gegner discloses that "[t]he combination of a plurality of objects so as to form a group makes sense notably when, for example, it is necessary to scale down/scale up a plurality of objects 12 simultaneously or to import these objects on a different display screen." (Page 8, ll. 11-13.)

4.　　Gegner discloses that "the objects can be briefly displayed in enlarged form in dependence on a given trigger signal which is produced by a control element defined by an object selection/marking." (Page 4, ll. 15-17.)

5.　　In Gegner, "less important objects of the group are automatically eliminated so as to ensure optimum readability of the remaining objects combined in the group." (Page 3, ll. 27-29.)

6.   Gegner discloses that "the objects can be automatically changed, in dependence on the object contents, the selected preferred settings and available display resources on the display screen, between a minimum size which can still be read and a predetermined maximum size by means of a selected calculation rule, that is, in such a manner that optimum filling of the available display screen surface is achieved." (Page 2, ll. 27-32.)

ANALYSIS

Appellants argue claims 1, 2, 4-6, 9-12, 14-17, 19 and 20 as a group (App. Br. 38-39). For claims 2, 4-6, 9-12, 14-17, 19 and 20, Appellants repeat the same argument made for claim 1. We will, therefore, treat claims 2, 4-6, 9-12, 14-17, 19 and 20 as standing or falling with claim 1.

Appellants argue claims 3, 8, 13, and 18 as a group (App. Br. 40-41). For claims 8, 13, and 18, Appellants repeat the same argument made for claim 3. We will, therefore, treat claims 8, 13, and 18 as standing or falling with claim 3. *See* 37 C.F.R. § 41.37(c)(1)(vii). *See also In re Young,* 927 F.2d 588, 590 (Fed. Cir. 1991).

Claims 1, 2, 4-6, 9-12, 14-17, and 19-20

Issue1: Did the Examiner err in finding that Gegner discloses replacing . . . with a second plurality of data objects, wherein the second plurality of data objects are different from the first plurality of data objects, as set forth in claim 1?

Appellants contend that "the right-hand side of Fig. 5 was not replaced by different data objects, so Gegner does not teach or suggest 'replacing the first plurality of data objects in the main view with a second plurality of data objects, wherein the second plurality of data objects are different from the first plurality of data objects,' as recited in claim 1." (App. Br. 38.)

The Examiner found that "Gegner discloses [] displaying an enlarged form/main view reflecting a first plurality of data objects, wherein the main view displays contents reflecting a second plurality of data objects when a user makes a selection of the second plurality of data objects." (Ans. 7.) We agree in the Examiner.

We start by noting that while claim 1 recites *"replacing the first plurality of data objects in the main view with a second plurality of data objects, wherein the second plurality of data objects are different from the first plurality of data object,"* claim 1 does not necessarily require that the second plurality of data objects be displayed with the peek view of the first plurality of data objects. Thus, Appellants' argument that the right-hand side of Gegner's fig. 5 was not replaced by different data objects is unavailing given that claim 1 does not require displaying the second plurality of data objects with the peek view. As shown below, Gegner's Fig. 1 displays two windows, the right-hand side window showing a first plurality of data objects and the left-hand side window showing a peek view of the right-hand side window. In Gegner, a plurality of data objects can be scaled by means of a control element, eliminating less important details of the objects contents (i.e., keeping more important content) and importing the scaled down objects onto a different display screen (FFs 1-3).
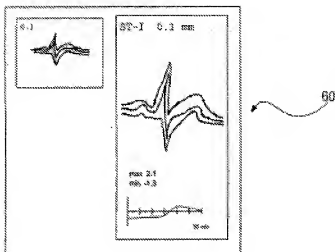
FIG.5

As for the claimed "replacing" step, Gegner discloses that objects can selected from the main view and briefly displayed in enlarged form (FF 4). In other words, Gegner replaces a view having a plurality of objects briefly with a view of selected objects in enlarged form, i.e., varying objects from a readable minimum size to a selected maximum size.

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992)).

> Anticipation of a patent claim requires a finding that the claim
> at issue 'reads on' a prior art reference. In other words, if
> granting patent protection on the disputed claim would allow
> the patentee to exclude the public from practicing the prior art,

then that claim is anticipated, regardless of whether it also
covers subject matter not in the prior art.

Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 1346 (Fed Cir. 1999)

(internal citations omitted).

Here, the Examiner found that the claimed "replacing" step showing
different data objects reads on Gegner's ability to change a view by
enlarging specific objects. We agree. We find that the term "different" does
not necessarily require non-overlapping. For example, even if the view goes
from three objects to two enlarged objects, this is seen as a different view.

Thus, we do not find Appellants' arguments persuasive, as we find
ample support within the disclosure of Gegner to support the Examiner's
stated position (Ans. 7).

Claims 3, 8, 13, and 18

Issue2: Did the Examiner err in finding that Gegner discloses
selecting the subset based on a size of the peek view, as set forth in claim 3?

Appellants contend that "Gegner eliminating objects at a time when
readability is not ensured does not teach or suggest selecting objects to copy
to a peek view based on the size of the peek view, as recited in claim 3."
(App. Br. 40.)

The Examiner found that Gegner discloses "a second subset of the
group are displayed based on the availability of the display area and the
importance of the objects in the subset." (Ans. 8.) We agree.

Specifically, Gegner discloses that less important objects of the group
are automatically eliminated so as to ensure optimum readability (FF 5).

Gegner further discloses that objects are changed based on available display resources and in such a manner that optimum filling of the available display screen surface is achieved (FF 6). In other words, Gegner considers the available display resource, i.e., size of display, when changing the size of the objects. Thus, we do not find Appellants' arguments persuasive, as we find ample support within the disclosure of Gegner to support the Examiner's stated position (Ans. 8).

In view of the above discussion, since Appellants have not demonstrated that the Examiner erred in finding the argued limitations in the disclosure of Gegner, the Examiner's 35 U.S.C. § 102(e) rejection of clams 1-6 and 8-20 is sustained.

DECISION

We affirm the Examiner's § 102 rejection.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

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